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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RICHARD ROY SCOTT,

9 Plaintiff,

10 v.

11 KELLY CUNNINGHAM,

12 Defendant.

CASE NO. C11-5509 BHS-KLS

ORDER ADOPTING REPORT
AND RECOMMENDATION,
IMPOSING SANCTIONS, AND
STAYING ACTION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 248) and
15 Plaintiff Richard Roy Scott’s (“Scott”) objections to the R&R (Dkt. 260).

16 On April 12, 2012, Judge Strombom issued the R&R detailing Scott’s vexatious
17 litigation tactics and recommending that the Court grant Defendant’s motion for
18 sanctions. Dkt. 248. Judge Strombom also recommended that the case be stayed until
19 Scott pays the sanction, and, if Scott fails to pay the sanction within sixty days, the case
20 be dismissed. *Id.* On April 20, 2012, Scott objected to the R&R stating that he has filed
21 a motion to voluntarily dismiss his complaint. Dkt. 260. On April 24, 2012, Defendant
22 responded and requested that, if Scott fails to pay the sanction, the Court dismiss the

1 complaint with prejudice and enter judgment against Scott in the amount of the sanction.
2 Dkt. 265.

3 The district judge must determine de novo any part of the magistrate judge's
4 disposition that has been properly objected to. The district judge may accept, reject, or
5 modify the recommended disposition; receive further evidence; or return the matter to the
6 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

7 In this case, Scott's objections fail to address the merits of the R&R. Judge
8 Strombom listed and described Scott's repetitive and frivolous filings that support
9 Defendant's request for sanctions. Scott continues to abuse the legal process and
10 needlessly consume Defendant's as well as the Court's resources. Therefore, the Court
11 adopts the R&R. With regard to Defendant's request of dismissal with prejudice and
12 judgment, the Court will address that issue when and if Scott fails to pay the sanction.

13 The Court having considered the R&R, Scott's objections, and the remaining
14 record, does hereby find and order as follows:

15 (1) The R&R is **ADOPTED**.

16 (2) Scott shall pay into the Court Registry the amount of Seven Hundred and
17 Fifty Dollars (\$750.00) as a sanction for his conduct on or before August 1,
18 2012. Upon receipt of the payment, the Court Clerk shall forward the
19 amount of \$750.00 to counsel for Defendant.

20 (3) This action is hereby **STAYED** pending Scott's payment into the Court
21 registry. If full payment of \$750.00 is not received from Scott by August 1,
22

1 2012, the Court will consider Defendant's request for **DISMISSAL with**
2 **prejudice** and whether to enter **JUDGMENT** against Scott.

- 3 (4) The pending motions (Dkts. 255, 258, 284, 287, 289, 297, & 299) shall be
4 removed from the Court's calendar and may be renoted if Scott pays the
5 sanction.

6 Dated this 4th day of June, 2012

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10 BENJAMIN H. SETTLE
11 United States District Judge
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